

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670  
Chapter 11

**MOTION FOR EXPEDITED HEARING, APPROVAL OF SHORTENED OBJECTION PERIOD, AND APPROVAL OF NOTICE PROCEDURES WITH RESPECT TO BAR DATE MOTION**

Robert J. Keach, the chapter 11 trustee (the “Trustee”) in the above-captioned chapter 11 case of Montreal Maine & Atlantic Railway, Ltd. (the “Debtor”), files this motion (the “Motion for Expedited Hearing”) seeking an order scheduling an expedited hearing on, approving a shortened objection period with respect to, and approving certain notice procedures with respect to the: *Amended Motion of Chapter 11 Trustee for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(b)(9), Fed. R. Bankr. P. 3002 and 3003(c)(3), and D. Me. LBR 3003-1 Establishing Deadline for Filing Proofs of Claim and Procedures Relating Thereto and Approving Form and Manner of Notice Thereof* (the “Bar Date Motion”).<sup>1</sup> In support of the relief requested herein, the Trustee states as follows:

**JURISDICTION AND VENUE**

1. The United States District Court for the District of Maine (the “District Court”) has original but not exclusive jurisdiction over this chapter 11 case pursuant to 28 U.S.C. § 1334(a) and over this Motion to Expedite pursuant to 28 U.S.C. § 1334(b). Pursuant to 28 U.S.C. § 157(a) and Rule 83.6 of the District Court’s local rules, the District Court has authority to refer and has referred this chapter 11 case and this Motion to Expedite to this Court.

<sup>1</sup> Capitalized terms not otherwise defined herein have the meaning ascribed to them in the Bar Date Motion.

2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and the Court has constitutional authority to enter final judgment in this proceeding.

3. Venue over this chapter 11 case is proper in this district pursuant to 28 U.S.C. § 1408, and venue over this proceeding is proper in this district pursuant to 28 U.S.C. § 1409.

4. The relief sought in this Motion to Expedite is predicated upon Rule 2002 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and D. Me. LBR 9013-1(i).

### **BACKGROUND**

5. On August 7, 2013 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of 11 U.S.C. § 101 *et seq.* On August 21, 2013, the United States Trustee appointed the Trustee to serve in the Debtor’s chapter 11 case pursuant to 11 U.S.C. § 1163.

6. The Debtor’s bankruptcy filing was precipitated by the train derailment in Lac-Mégantic, Québec on July 6, 2013 (the “Derailement”). The Derailment set off explosions, destroyed part of downtown Lac-Mégantic, and is presumed to have killed 47 people. The Derailment also precipitated the filing by Montreal Maine & Atlantic Canada Co. (“MMA Canada” and, together with the Debtor, the “Debtors”), the Debtor’s subsidiary, under Canada’s *Companies’ Creditors Arrangement Act* (the “Canadian Case”) in Superior Court in Canada (the “Canadian Court”).

7. On September 4, 2013, the Court entered an order adopting the *Cross-Border Insolvency Protocol* (the “Protocol”) [Docket No. 168], which governs the conduct of all parties in interest in this case and the Canadian Case. The Canadian Court also adopted the Protocol.

8. On December 13, 2013, the Trustee filed the *Motion of Chapter 11 Trustee for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(b)(9), Fed. R. Bankr. P. 3002 and 3003(c)(3), and D. Me. LBR 3003-1 Establishing Deadline for Filing Proofs of Claim and*

*Procedures Relating Thereto and Approving Form and Manner of Notice Thereof* [Docket No. 496] (the “Original Bar Date Motion”). At an expedited hearing held on the Original Bar Date Motion on December 18, 2013, all parties agreed to continue the hearing on the Original Bar Date Motion to February 11, 2014, which hearing would be held jointly with the Canadian Court.

9. Subsequent to the hearing on the Original Bar Date Motion, the Trustee, through consultation with various parties, including the proposed counsel to the Official Victims Committee, counsel to MMA Canada, and the monitor appointed in the Canadian Case (the “Monitor”), has amended the Original Bar Date Motion and related documents. Those revisions are set forth in the Bar Date Motion.

10. By the Bar Date Motion, the Trustee seeks an order establishing May 31, 2014 as the deadline for filing proofs of claim, establishing certain procedures for filing proofs of claim, and approving the form and manner of notice of the Bar Date and related procedures. Importantly, the Bar Date Motion seeks establishment of a provision that any Derailment Claims filed against MMA Canada in the Canadian Case, to the extent also asserting claims against MMA, be deemed filed against MMA, even if only filed in the Canadian Case.

11. As discussed more fully in the Bar Date Motion, the proposed bar date and related procedures were discussed at length by the Trustee, counsel to MMA Canada, and the Monitor, and are designed to ensure that both this case and the Canadian Case are administered efficiently, in a manner that is beneficial to the creditors of both Debtors, and in a manner that satisfies due process concerns.

12. Contemporaneously with the filing of the Bar Date Motion, MMA Canada is also filing pleadings to establish a bar date and claims process in the Canadian Case. To avoid confusion, it is critical that the bar dates are the same and that the claims processes are

coordinated and integrated. Indeed, as indicated in the Bar Date Motion and the procedures outlined therein, the proposed bar date and claims procedures are carefully intertwined with the proposed claims procedure to be established in the Canadian Case. Further, the hearing on the Bar Date Motion will be held jointly with the Canadian Court on February 11, 2014. Accordingly, the Trustee seeks expedited relief with respect to the Bar Date Motion to ensure that the claims processes established in both cases are consistent, as contemplated by the Protocol.

### **RELIEF REQUESTED**

13. By this Motion to Expedite, the Trustee requests that the Court: (a) schedule a hearing on the Bar Date Motion for **February 11, 2014 at 10:00 a.m.**; (b) set a shortened objection deadline for that same date and time; and (c) approve service of the Motion to Expedite and the Bar Date Motion in the manner set forth herein.

### **BASIS FOR RELIEF**

14. Absent a request for an expedited hearing, a movant seeking the type of relief set forth in the Bar Date Motion must provide twenty-one days' notice of, and a response date must be set more than seven calendar days prior to, a hearing date. *See* Local Rule 9013-1(d)(5).

15. The Court has indicated that it has availability on February 11, 2014 at 10:00 a.m., and there are currently other hearings scheduled in this case for that same date and time. Further, this Court indicated at the December 13, 2013 hearing that it intended to hold a joint hearing on the Original Bar Date Motion on February 11, 2014.

16. The Trustee requests that a hearing on the Bar Date Motion be scheduled on February 11, 2014 to allow expedited consideration of the relief sought by the Trustee. For the reasons set forth above, and set forth in the Bar Date Motion, approval of the Bar Date Motion

on an expedited basis will ensure that this case and the Canadian Case are administered efficiently, consistently, and in a manner beneficial to all creditors.

17. Finally, the Trustee submits that no parties will be prejudiced should an expedited hearing on the Bar Date Motion be set on February 11. The Original Bar Date Motion was filed on December 13, 2013, approximately two months prior to the February 11, 2014 hearing date. Although the Bar Date Motion is an amended version of the Original Bar Date Motion, the changes contained therein, and the amendments to the proposed bar date and bar date procedures, only clarify the procedures regarding filing proofs of claim and extend the proposed bar date by two months. Parties have had ample time to consider the relief sought in the Original Bar Date Motion, and will only benefit from the revisions made in the Bar Date Motion.

**NOTICE**

18. Copies of the Motion to Expedite and the Bar Date Motion were served, via CM/ECF, e-mail, or U.S. First Class Mail, on the following: (1) the United States Trustee; (2) the Debtor's counsel; (3) the non-insider holders of the twenty (20) largest unsecured claims against the Debtor or, if applicable, the lawyers representing such holders; (4) applicable federal and state taxing authorities; (5) the holders of secured claims against the Debtor, or if applicable, the lawyers representing such holders; (6) counsel to MMA Canada; (7) the Monitor; (8) counsel to the Monitor; (9) counsel to the Official Committee of Derailment Victims; and (10) others who have, as of the date of the Motion to Expedite, entered an appearance and requested service of papers in this case.

WHEREFORE, the Trustee respectfully requests that this Court enter an Order: (a) finding that service of the Motion to Expedite and the Bar Date Motion in the manner described herein was sufficient to all parties in interest under the circumstances of this case; (b) granting

the Motion to Expedite; (c) setting a hearing on the Bar Date Motion for February 11, 2014 at 10:00 a.m. and a shortened objection deadline for that same date and time; and (d) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: January 27, 2014

ROBERT J. KEACH  
CHAPTER 11 TRUSTEE OF MONTREAL  
MAINE & ATLANTIC RAILWAY, LTD.

By his attorneys:

/s/ Michael Fagone  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670  
Chapter 11

**ORDER GRANTING MOTION FOR EXPEDITED HEARING, APPROVAL OF  
SHORTENED OBJECTION PERIOD, AND APPROVAL OF NOTICE PROCEDURES  
WITH RESPECT TO BAR DATE MOTION**

This matter having come before the Court on the *Motion for Expedited Hearing, Shortened Objection Period, and Approval of Notice Procedures with Respect to Bar Date Motion* (the "Motion to Expedite") filed by Robert J. Keach, the chapter 11 trustee in the above-captioned case, and upon consideration of all responses to the Motion to Expedite (if any), it is hereby **ORDERED**, **ADJUDGED** and **DECREED** as follows:

1. The Motion to Expedite is granted.
2. Notice and service of the Motion to Expedite and the *Amended Motion of Chapter 11 Trustee for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(b)(9), Fed. R. Bankr. P. 3002 and 3003(c)(3), and D. Me. LBR 3003-1 Establishing Deadline for Filing Proofs of Claim and Procedures Relating Thereto and Approving Form and Manner of Notice Thereof* (the "Bar Date Motion") was sufficient in light of the nature of the relief requested.

3. An expedited hearing on the Bar Date Motion is set for **February 11, 2014 at 10:00 a.m.** and the deadline to object to the same is **February 11, 2014 at 10:00 a.m.**

Dated:

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The Honorable Louis H. Kornreich  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**NOTICE OF EXPEDITED HEARING**

Robert J. Keach, the chapter 11 trustee in the above-captioned case (the “Trustee”), has filed a *Motion for Expedited Hearing, Shortened Objection Period, and Approval of Notice Procedures with Respect to Bar Date Motion* (the “Motion to Expedite”), seeking an expedited hearing on the *Amended Motion of Chapter 11 Trustee for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 502(b)(9), Fed. R. Bankr. P. 3002 and 3003(c)(3), and D. Me. LBR 3003-1 Establishing Deadline for Filing Proofs of Claim and Procedures Relating Thereto and Approving Form and Manner of Notice Thereof* (the “Bar Date Motion”).

If you do not want the Court to approve the Motion to Expedite or the Bar Date Motion, then on or before **February 11, 2014 at 10:00 a.m.**, you or your attorney must file with the Court a response or objection explaining your position. If you are not able to access the CM/ECF Filing System, then your response should be served upon the Court at:

Alec Leddy, Clerk  
United States Bankruptcy Court for the District of Maine  
202 Harlow Street  
Bangor, Maine 04401

If you do have to mail your response to the Court for filing, then you must mail it early enough so that the Court will receive it **on or before February 11, 2014 at 10:00 a.m.**

You may attend the hearing with respect to the Motion to Expedite scheduled to be held at the Bankruptcy Court, 202 Harlow Street, Bangor, Maine on **February 11, 2014 at 10:00 a.m.** If the Motion to Expedite is granted at that time, the Court may immediately thereafter conduct hearings to consider, and may grant some or all of the relief sought by the Bar Date Motion.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one. If you do not have an attorney, you may wish to consult one.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion to Expedite or the Bar Date Motion, and may enter an



order granting the requested relief without further notice or hearing.

Dated: January 27, 2014

ROBERT J. KEACH  
CHAPTER 11 TRUSTEE OF MONTREAL  
MAINE & ATLANTIC RAILWAY, LTD.

By his attorneys:

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